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Attorney for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA (SAN JOSE)

ROBERT PRITIKIN, et al.,
Plaintiffs,
vs.
COMERICA BANK, et al.
Defendants

Case No.: C09 03303 JF

DECLARATION OF KENNETH W.
PRITIKIN IN SUPPORT OF
STIPULATION AND ORDER TO
EXTEND TIME TO FILE AND SERVE
FIRST AMENDED COMPLAINT

[Local Rule 6-2]

I, Kenneth W. Pritikin, declare:

1. I am an attorney admitted to practice law in the United States District Court for the Northern District of California. I am co-counsel of record for Plaintiffs in this matter. The following statements are true and correct, except as to those matters stated on information and belief, and as to those matters, I am informed and believe that my statements herein are true and correct. If called as a witness, I could and would competently testify to the truth of the matters stated herein.

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FILE AND SERVE FIRST AMENDED COMPLAINT

2. This declaration is made in support of the stipulation of Plaintiffs and Defendant Comerica Bank ("Comerica") to an Order extending the deadline for Plaintiffs to file and serve a first amended complaint until January 15, 2010.

3. The reason for the requested extension of the above deadline is that Plaintiffs are in the process of associating additional legal counsel in this action, and the requested extension to the above deadline is necessary in order to afford said associated counsel a reasonable opportunity to become familiarized with the legal and factual issues in this case and to thus meaningfully assist in the preparation of the first amended complaint.

4. There have been no previous modifications to the above deadline. The only previous time modifications in this case have been as follows:

(a) an extension of the time for Comerica to file and serve a response to the complaint, pursuant to stipulation of Plaintiffs and Comerica filed on August 6, 2009;

(b) a second extension of the time for Comerica to file and serve a response to the complaint, pursuant to stipulation of Plaintiffs and Comerica filed on August 27, 2009;

(c) an Order filed on November 17, 2009 to continue the date of the Case Management Conference to January 15, 2010, pursuant to stipulation of Plaintiffs and Comerica filed on November 9, 2009.

5. The requested extension to the above deadline shall not alter the date of any other event or deadline previously fixed by an Order of this Court, and will have no effect on the schedule for the case other than by delaying, for a like period of time, the time for Comerica to file and serve its response to the first amended complaint.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct, and that this declaration is executed on November 19, 2009 in Walnut Creek, California.


Kenneth W. Pritikin